

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1274 OF 2006

Harakchand Gada & 3 Ors. ...Petitioners.
Versus
The State of Maharashtra
and 2 Ors. ...Respondents.

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Mr.Y.S.Jahagirdhar, Sr.Counsel with Mr.Z.
Jariwala i/b Thakore Jariwalla & Asso. for the
Petitioners.
Ms.Geeta Shastri, AGP, for Respondent No.1.
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CORAM : F.I.REBELLO AND
 SMT.V.K.TAHILRAMANI, JJ.

DATED : JULY 11, 2006.

P.C.:

1. The only issue left pending is the question of granting permission for repairs as sought for by the petitioners. Respondent Corporation had taken a stand that they cannot grant permission in view of the circular issued by Respondent No.1. On behalf of Respondent No.1 pursuant to directions of this Court, Sudhakar Baburao Nangnure, Deputy Secretary, has filed an affidavit. In para-4 of the said affidavit, it is set out as under :

"In view of the above, I say that for the

.[2].

purpose of repairs only, it is not necessary for BMC to now refer the cases to the Urban Development Department for clearance. The BMC can do the same at their own level as per rules and regulations applicable to CRZ areas."

2. It is also set out that circular will be issued immediately. In other words, it is clear that for repairs, permission from the CRZ regulation authority is no longer required and that can be done by Respondent No.2. Issuance of circular is only a formality. In the light of that we direct Respondent Nos.2 & 3 to consider the application of the petitioners for permission to carry out repairs and to dispose of the same at any rate not later than 10 days from today.

3. With the above observation, Petition stands disposed of.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI, J.]